

Application No. 10/828,565
Amendment "A" dated March 1, 2006
Reply to Office Action mailed November 3, 2005

REMARKS

Applicant and applicant's attorney express appreciation to the Examiner for the courtesies extended during the telephonic interview held on October 5, 2005, wherein a provisional election was made without traverse to prosecute the invention of Group II, claims 30-45. Reconsideration and allowance for the above-identified application are now respectfully requested. Claims 30-45 are pending, wherein claims 30 and 32 have been amended, and new claims 46 and 47 have been added. Support for new claims 46 and 50 can be found in the Specification at paragraph [060], for claims 47 and 48 at paragraph [056] and for claim 49 at paragraph [060]. No new matter has been added.

The present invention is directed to reef artifacts. Reef artifacts are structures that can be placed in an aquatic environment to provide habitat for aquatic life. The reef artifacts can attract organisms that will live in the structure as well as attract aquatic life that feeds on those organisms. Much like a reef, the reef artifacts of the present invention have the potential to significantly change the biota in and around the reef artifact.

More particularly, the present invention is directed to a method for making a reef artifact mold. The mold includes intricate features of a reef and/or reef organisms. The reef artifacts produced from the molds of the present invention also have the intricate features of a reef and/or reef organisms. The mold allows a user to repeatedly produce a reef artifact with fine details without having to carve or otherwise manually shape every reef artifact.

The method for making a reef artifact mold generally includes adhering "reef-organism structures" to a "reef-like formation" to make a "reef artifact form." The "reef artifact form" is then used as a template to make a mold. Because the reef artifact form is made from a "reef-like formation," the "reef artifact form" has features that simulate an actual reef. The mold, which is

Application No. 10/828,565
Amendment "A" dated March 1, 2006
Reply to Office Action mailed November 3, 2005

made from the "reef artifact form," has the negative impression of features that simulate an actual reef.

The Examiner rejected the claims under 35 U.S.C § 103(a) as being unpatentable over *Virgili* in view of *Hudson*. *Virgili* teaches a method for making "stone-faced pillars." Col. 1, lines 5–6. *Virgili* teaches making a rectangular post out of wood and adhering stone pieces to the wood. Col. 1, lines 41–44. Any portion of the wooden post that is not covered by the stones is coated with Plaster-of-Paris. Col. 1, lines 45–47. Next, the stone covered post is used to make a mold. Col. 1, lines 47–58.

As pointed out by the Examiner in the Office Action, "Virgili is silent to 'reef-organism' structures, and adhering the 'reef-organism' structure to the formation." In addition to this deficiency noted by the Examiner, *Virgili* also fails to teach the step of "providing a reef-like formation having a varied surface," as required by amended claim 1. Claim 1 has been amended to include the phrase "varied surface" to clarify that a reef-like formation inherently has a varied surface. In contrast, the formation taught in *Virgili* is a rectangular wood post coated with "Plaster-of-Paris." A long, rectangular wooden post coated with Plaster-of-Paris is not "reef-like" as required by claim 1.

Claim 1 is not obvious in view of *Virgili* combined with *Hudson* because there is no teaching suggestion or motivation to combine the artificial reef in *Hudson* with the method of making a pillar taught in *Virgili*. The *Virgili* reference is directed toward making "stone-faced pillars or posts." Col. 2, lines 40–48. Pillars and posts are structural components used to construct buildings and fences. Modifying the method in *Virgili* by molding a reef-like formation would result in pillars with an overall shape and surface similar to a reef. Such a pillar

Application No. 10/828,565
Amendment "A" dated March 1, 2006
Reply to Office Action mailed November 3, 2005

would not be suitable for use as a post or pillar. Consequently, there is no motivation to combine *Hudson* with *Virgili* and the combination of these references is improper.

In addition, *Virgili* teaches away from using a "reef-like formation having a varied surface." *Virgili* teaches that any exposed wood should be covered with Plaster-of-Paris. See col. 1, lines 45–47. Plaster-of-Paris is a cement or mortar that can be used to make a smooth surface. By putting the Plaster-of-Paris on the wood post, *Virgili* is teaching away from making a varied surface. The reef-artifacts of the present invention advantageously have a reef-like surface to attract microorganisms and other aquatic life when placed in an aquatic environment. Since *Virgili* teaches away from making the surface reef-like, it would not be obvious to incorporate the reef structure of *Hudson* into the method of *Virgili*.

As noted above, the Office Action states that "*Virgili* is silent to 'reef-organism structures.'" Office Action, p. 6, ¶ 6. The Office Action combines *Virgili* with *Hudson* for the teaching of "reef-organism structures." However, the Applicant submits that the combination of *Hudson* with *Virgili* is insufficient because there is no teaching, suggestion, or motivation to modify *Virgili* by substituting the clam shells taught in *Hudson* for the stones taught in *Virgili*. The title of the invention in *Virgili* is "Method of Molding Stone Faced Pillars and the Like." There is no reason why one of ordinary skilled in the art following the teachings of *Virgili* would use clam shells to make a pillar. The purpose of the method in *Virgili* is to obtain pillars that have a stone-like exterior, not a simulated reef. Consequently, the claims as amended are patentable over the prior art of record for this additional reason.

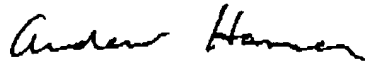
New independent claims 47 and 50 are at least patentable over *Virgili* in view of *Hudson* for the reasons given above with regard to claim 30. The remaining dependent claims are at least patentable over *Virgili* in view of *Hudson* because they depend from claim 30 or claim 47.

Application No. 10/828,565
Amendment "A" dated March 1, 2006
Reply to Office Action mailed November 3, 2005

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 1st day of March 2006.

Respectfully submitted,



ANDREW S. HANSEN
Registration No. 56,370
Attorney for Applicant
Customer No. 022913

ASH:mla
MLA0000004544V001.DOC